

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EVELAND, et al.,)	
)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:22-cv-01068 CDP
)	
CITY OF ST, LOUIS, et al.,)	
)	
)	
Defendants.)	

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

COME NOW Plaintiffs and move for partial summary judgment on a discrete issue implicated by Count II of their Third Amended And Supplemental Complaint (Doc. 19) and as to liability on Count IV of that pleading.

Count II sets forth Plaintiffs' claim that their contractual rights as third-party beneficiaries of the 2017 Settlement Agreement (Exhibit 1) have been breached. Plaintiffs are entitled to summary judgment in their favor on the discrete issue as to whether Plaintiffs qualify as third-party beneficiaries with respect to the 2017 Settlement Agreement. Partial summary judgment as to an issue that is only part of a claim is appropriate. Brown v. McGraw-Hill, 2007 WL 2479685, * 4 (N.D. IA August 29, 2007).

Furthermore, Plaintiffs are entitled to judgment in their favor on the entirety of Count IV of their Third Amended And Supplemental Complaint, which requests a declaratory judgment as to the invalidity of the April 14, 2023 First Amendment To Settlement Agreement.

WHEREFORE, Plaintiffs request that this Court enter its Order granting Plaintiff's Motion for Partial Summary Judgment and all such further relief that that Court deems just.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 27, 2023 a copy of the foregoing document was served via the Court's electronic filing system to all counsel of record.

/s/Elkin L. Kistner